

**Office of the Information Commissioner
of Canada**

2015–16

Report on Plans and Priorities

The original version was signed by

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Message from the Commissioner

In the Office of the Information Commissioner of Canada's 2013–2014 *Departmental Performance Report* I stated that without further funding for my office, and given the increase in complaints, I would no longer be able to adequately fulfill my mandate—that is, to protect information rights under the *Access to Information Act*.



At the time of writing the 2015–2016 *Report on Plans and Priorities*, I have received no confirmation of whether more resources will be forthcoming. As a result, I present this report with a considerable degree of uncertainty.

With determination, however, I plan to continue to safeguard the right of access to the greatest extent possible under the circumstances.

To further enhance efficiency and bring discipline, predictability and clarity to the complaints-handling process—internally and with institutions and complainants—my team and I will continue to improve our investigative processes.

Moving into the new year in difficult circumstances, I know I can count on my dedicated team.

Together, we are resolved to maintain the course of excellence we value and to uphold Canadians' information rights to the best of our ability and capacity. Given the quasi-constitutional status of the right of access, anything less would be unacceptable.

Section I: Organizational Expenditure Overview

Organizational Profile

Commissioner: Information Commissioner of Canada

Ministerial Portfolio: Justice

Enabling Instrument(s): *Access to Information Act* (R.S.C., 1985, C-1)

Year Established: 1983

The Office of the Information Commissioner of Canada (OIC) is part of the Justice portfolio. As such, the Minister of Justice is responsible for the organization (as per Schedule I.1 of the *Financial Administration Act*) and submits the Office of the Information Commissioner's *Report on Plans and Priorities* and *Departmental Performance Report* to the President of the Treasury Board for tabling in Parliament.

Organizational Context

Raison d'être

As an Agent of Parliament, the Information Commissioner of Canada reports directly to the House of Commons and Senate. The Office of the Information Commissioner of Canada ensures that the rights conferred to information requesters by the *Access to Information Act* are respected, which ultimately enhances transparency and accountability across the federal government.¹

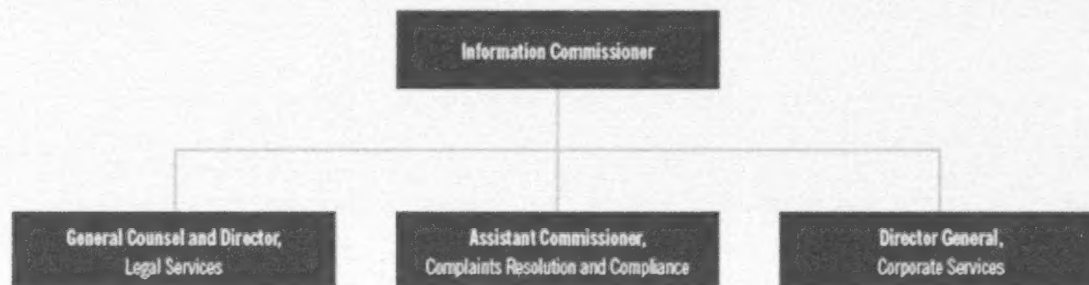
Responsibilities

The OIC is an independent public body created in 1983 under the *Access to Information Act*. The OIC's primary responsibility is to conduct efficient, fair and confidential investigations into complaints about federal institutions' handling of access to information requests. The OIC strives to maximize compliance with the Act while fostering disclosure of public sector information using the full range of tools, activities and powers at the Commissioner's disposal.

The OIC primarily uses mediation and persuasion to resolve complaints. In doing so, the OIC gives complainants, heads of institutions and all third parties affected by complaints a reasonable opportunity to make representations. The OIC encourages institutions to disclose information as a matter of course and to respect Canadians' rights to request and receive information, in the name of transparency and accountability. The OIC brings cases to the Federal Court to ensure that the Act is properly applied and interpreted, with a view to maximizing disclosure of information.

The OIC also supports the Information Commissioner in her advisory role to Parliament and parliamentary committees on all matters pertaining to access to information. The OIC actively makes the case for greater freedom of information in Canada through targeted initiatives such as Right to Know Week and ongoing dialogue with Canadians, Parliament and federal institutions.²

The following diagram shows the OIC's organizational structure.



Legal Services represents the Commissioner in court as she seeks to clarify points of access law and uphold information rights. OIC lawyers provide legal advice on investigations and administrative and legislative matters, as well as customized reference tools and training on recent case law. Legal Services also monitors legislative developments to determine their possible effect on the Commissioner's work and access to information in general.

The **Complaints Resolution and Compliance Branch** investigates individual complaints about the processing of access requests, conducts dispute resolution activities and makes formal recommendations to institutions, as required. The Branch also carries out systemic investigations and analysis.

Corporate Services provides strategic and corporate leadership for planning and reporting, communications, human resources and financial management, security and administrative services, internal audit and evaluation, as well as information management and technology. Corporate Services conducts external relations, including providing input to the Treasury Board of Canada Secretariat on improving the administration of the Act, with a wide range of stakeholders, notably Parliament, governments and representatives of the media. It is also responsible for managing the OIC's access information and privacy function.

Strategic Outcome(s) and Program Alignment Architecture

1. Strategic Outcome: Requestors' rights under the *Access to Information Act* are safeguarded.³

1.1 Program: Compliance with access to information obligations

Internal Services

Organizational Priorities

Below are the OIC's organizational priorities for 2014–2015. These will form part of the Commissioner's 2015–2018 strategic plan.

Organizational Priorities

Priority	Type	Program
Uphold information rights through effective oversight	New	Compliance with access to information obligations
Description Investigations are the heart of the OIC's program and the principal means by which the Commissioner safeguards the rights conferred by the <i>Access to Information Act</i> . In 2015–2016, the Commissioner will introduce further improvements to the investigation process and continue to dedicate the human and financial resources at her disposal to the program, with the goals of maximizing disclosure and improving timeliness.		
Priority	Type	Program
Ensure OIC employees have the knowledge and skills they need to carry out their duties to the highest level of excellence	New	Compliance with access to information obligations Internal services
Description The OIC's work requires a high level of knowledge and expertise. It is essential then that the OIC attract and retain independent, informed and engaged employees. In 2015–2016, the OIC will focus on investigative and legal training. The OIC will maximize the use of technology in developing new tools to increase the effectiveness of the investigation process.		

Risk Analysis

Key Risks

Risk	Risk Response Strategy	Program
That information rights will be further eroded due to financial restraint and an increasing workload	• Seek additional funding • Vigilantly monitor budgets and spending • Make cost-efficient hiring decisions • Develop and take advantage of shared services opportunities • Improve the investigation processes, based on detailed mapping, to ensure the OIC continues to close as many files as possible • Continue pilot project on mediation • Target groups of complaints and develop specialized expertise in those areas • Carry out vigilant monitoring of files • Foster collaboration with institutions to ensure smoother and faster progress of files	Compliance with access to information obligations Internal services
That demographic factors, the mobility of access to information subject-matter experts within the public service and ongoing pressure due to financial restraint and an increasing workload will lead to instability in the workforce	• Develop detailed recruitment strategy for 2015–2018 • Offer training and development opportunities (unique to the OIC and with other agents of Parliament) to challenge and retain staff • Actively and promptly complete staffing actions, including anticipatory ones • Engage experienced contract resources, when required • Take steps to maintain morale and continue to respect employees' non-work life and obligations	Compliance with access to information obligations Internal services

The most significant risk facing the Commissioner and the OIC going into 2015–2016 is the OIC's financial situation. Given the increasing workload, this will lead to the erosion of information rights.

At the time of writing, it was not known whether any additional funding would be forthcoming. If it were not, the Commissioner would have difficult choices to make in terms of how best to deal with her increasing inventory of files. In order for the OIC to continue to operate within its appropriations, the Commissioner will need to cut into the program. This will result in longer wait times for complainants. In turn, this could lead to increased litigation related to complaint delays.

Regardless, the Commissioner will continue to deploy her resources to the maximum benefit of the program (by, for example, saving money on internal services by adopting shared services opportunities in the areas of training, information technology-related security) and will be implementing further improvements to the investigative processes.

Ensuring sufficient well-trained and experienced staff are available to investigate complaints is an ongoing priority for the OIC, such that it does its utmost to keep a stable workforce and attract new and outstanding talent. The OIC also has rigorous training in place for investigators and will continue, within available budgets, to offer developmental opportunities to employees under its Performance Management Program, including through shared services opportunities. In addition, the OIC will continue to hire specialized expertise through short-term and other cost-effective contracting options.

Planned Expenditures

Budgetary Financial Resources (dollars)

2015–16 Main Estimates	2015–16 Planned Spending	2016–17 Planned Spending	2017–18 Planned Spending
\$11,259,372	\$11,259,372	\$11,259,372	\$11,259,372

Human Resources (full-time equivalents [FTEs])

2015–16	2016–17	2017–18
93	93	93

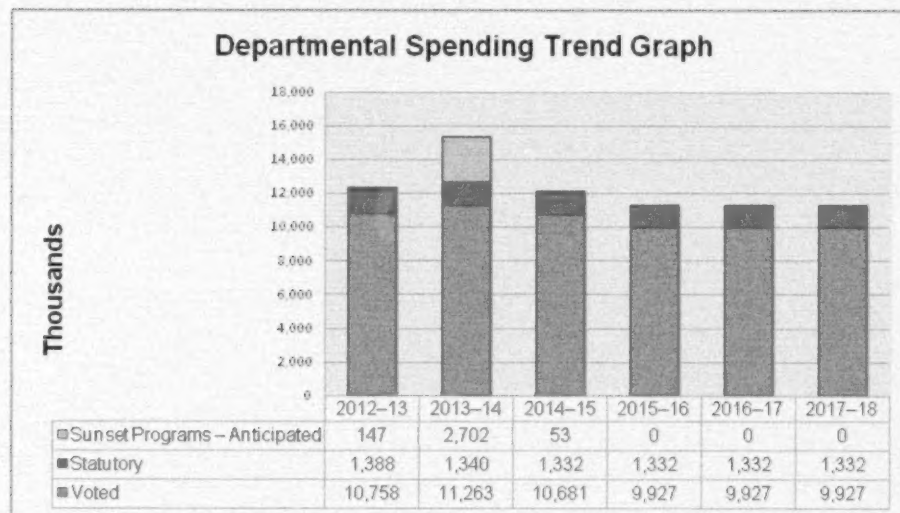
Budgetary Planning Summary for Strategic Outcome and Program (dollars)

Strategic Outcome(s), Program(s) and Internal Services	2012-13 Expenditures	2013-14 Expenditures	2014-15 Forecast Spending	2015-16 Main Estimates	2015-16 Planned Spending	2016-17 Planned Spending	2017-18 Planned Spending
Strategic Outcome: Requestors' rights under the <i>Access to Information Act</i> are safeguarded							
Compliance with access to information obligations	\$9,179,989	\$9,961,251	\$9,290,684	\$8,669,716	\$8,669,716	\$8,669,716	\$8,669,716
Internal Services	\$3,112,691	\$5,343,842	\$2,775,139	\$2,589,656	\$2,589,656	\$2,589,656	\$2,589,656
Total	\$12,292,680	\$15,305,093	\$12,065,823	\$11,259,372	\$11,259,372	\$11,259,372	\$11,259,372

For more information on the OIC's spending, see "Departmental Spending Trend," below.

The OIC's single program and related spending fall under the spending area of Government Affairs in the Whole-of-Government Framework, and align to the following Government of Canada outcome: A transparent, accountable and responsive federal government.⁴

Departmental Spending Trend



For 2015-2016, the OIC plans to spend \$11.3 million to carry out its single program and meet its strategic outcome. The Commissioner has committed to ensuring that the financial resources will be used in the most strategic and responsible manner to continue to improve service delivery and

ensure that investigations and other activities aimed at enhancing government openness and transparency have the most impact.

Approximately 80 percent of the OIC's budget (excluding contributions to employee benefit plans) will be allocated to salaries and 20 percent to operating and maintenance (O&M) costs. Of the \$2-million O&M budget, approximately 49 percent relates to fixed costs. Most of the remaining non-discretionary costs are for activities related to meeting various security, human resources and financial policy requirements. The discretionary portion of the budget will be 1 percent (as it was in 2014–2015). Any future budget reductions would likely eliminate these discretionary funds.

The above figure illustrates the OIC's spending trend from 2012–2013 to 2017–2018. Spending decreased year-over-year (with the exception of 2013–2014, when the OIC received a \$2.6-million loan to cover the costs of its office relocation) and will level off in 2015–2016.

Estimates by Vote

For information on Office of the Information Commissioner's organizational appropriations, consult the *2015–16 Main Estimates* on the Treasury Board of Canada Secretariat website.⁵

Section II: Analysis of Program by Strategic Outcome

Strategic Outcome

Requestors' rights under the *Access to Information Act* are safeguarded⁶

Program

Compliance with access to information obligations

Description

The *Access to Information Act* is the statutory authority for the oversight activities of the Information Commissioner, which are: to investigate complaints from requestors; to review the performance of government institutions; to report results of investigations/reviews and recommendations to complainants, government institutions and Parliament; to pursue judicial enforcement; and to provide advice to Parliament on access to information matters. The Office of the Information Commissioner supports the Commissioner in carrying out these activities.

Budgetary Financial Resources (dollars)⁷

2015-16 Main Estimates	2015-16 Planned Spending	2016-17 Planned Spending	2017-18 Planned Spending
\$8,669,716	\$8,669,716	\$8,669,716	\$8,669,716

Human Resources (FTEs)

2015-16	2016-17	2017-18
71	71	71

Performance Measurement

Expected Results	Performance Indicators	Targets	Date to Be Achieved
Canadians receive timely resolution of complaints about how federal institutions process access to information requests	Percentage of administrative cases completed within 90 days	85 percent	March 31, 2015*
	Percentage of priority/early resolution cases completed within 6 months	75 percent	March 31, 2015*
Institutions meet their obligations under the <i>Access to Information Act</i> and adopt measures to address institutional and systemic issues affecting access to information	Percentage of recommendations from investigations that are adopted	95 percent	Already met
	Percentage of recommendations from report cards and systemic investigations that are adopted	80 percent	Already met

*Due to the financial situation, the OIC will be unable to meet these targets.

Planning Highlights

Based on a detailed mapping process carried out in 2014–2015, the Commissioner will implement further improvements to the investigative processes. The successful Early Mediation Intervention pilot project will continue, in an effort to resolve complaints through mediation. The OIC will also work to develop increased specialization in certain types of files, such as those dealing with Cabinet confidences.

The Commissioner will also continue to bring matters before the courts in order to seek clarity on various points of access to information law and uphold information rights.

Internal Services

Description

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization. Internal services include only those activities and resources that apply across an organization, and not those provided to a specific program. The groups of activities are Management and Oversight Services; Communications Services; Human Resources Management Services; Financial Management Services; Information Management Services; Information Technology Services; Real Property Services; Materiel Services; and Acquisition Services.

Budgetary Financial Resources (dollars)

2015-16 Main Estimates	2015-16 Planned Spending	2016-17 Planned Spending	2017-18 Planned Spending
\$2,589,656	\$2,589,656	\$2,589,656	\$2,589,656

Human Resources (FTEs)

2015-16	2016-17	2017-18
22	22	22

Planning Highlights

Pursuing shared services opportunities will be an important priority for the OIC's internal services team in 2015-2016. Sharing services allows the OIC to take advantage of expertise it does not have in house, reduce risk and make efficient use of resources, and provide better services. Three IT-related shared services projects in particular will challenge the internal services team during the year: the migration from the Human Resources Information System to PeopleSoft, the pay modernization project and adopting a new financial system that will be shared by the Office of the Privacy Commissioner and other small federal organizations and hosted by the Canadian Human Rights Tribunal.

Within available budgets, the OIC will continue to focus on providing training and development opportunities to staff. To that end, the OIC will enter into negotiations toward renewing a memorandum of understanding with Elections Canada and three other organizations to establish a shared approach to internal training and set up a common training calendar.

The ongoing integration of Blueprint 2020 principles will ensure the OIC continues to lead in excellence and performance. New ways of working, including enhanced teamwork and a range of employment and mobility models, will help create agile individuals and a modern workplace.



Section III: Supplementary Information

Future-Oriented Statement of Operations

The future-oriented condensed statement of operations provides a general overview of the Office of the Information Commissioner's operations. The forecast of financial information on expenses and revenues is prepared on an accrual accounting basis to strengthen accountability and to improve transparency and financial management.

Because the future-oriented condensed statement of operations is prepared on an accrual accounting basis, and the forecast and planned spending amounts presented in other sections of the Report on Plans and Priorities are prepared on an expenditure basis, amounts differ.

A more detailed future-oriented statement of operations and associated notes, including a reconciliation of the net cost of operations to the requested authorities, can be found on the Office of the Information Commissioner's website.⁸

Future-Oriented Condensed Statement of Operations For the Year Ended March 31 (dollars)

Financial Information	2014-15 Estimated Results	2015-16 Planned Results	Difference
Total expenses	\$13,814,891	\$13,005,763	(\$809,128)
Total revenues	0	0	0
Net cost of operations	\$13,814,891	\$13,005,763	(\$809,128)

Supplementary Information Tables

The supplementary information tables listed in the *2015-16 Report on Plans and Priorities* can be found on the Office of the Information Commissioner's website.⁹

- ▶ Departmental Sustainable Development Strategy (Target 7.2: Green Procurement)
- ▶ Upcoming Internal Audits and Evaluations Over the Next Three Fiscal Years.

Tax Expenditures and Evaluations

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance Canada publishes cost estimates and projections for these measures annually in the *Tax Expenditures and Evaluations* publication.¹⁰ The tax measures presented in the *Tax Expenditures and Evaluations* publication are the responsibility of the Minister of Finance.

Section IV: Organizational Contact Information

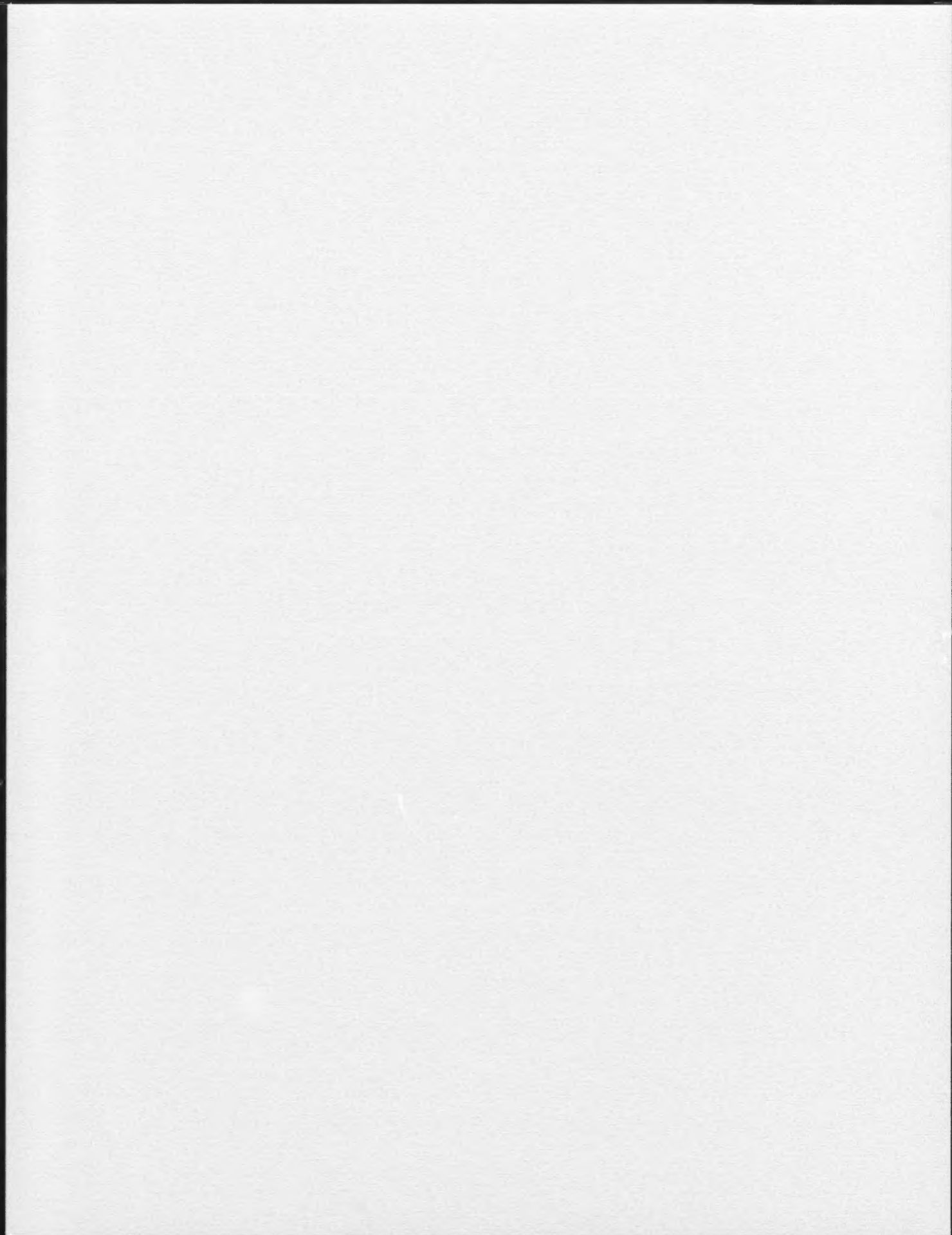
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Appendix: Definitions

appropriation: Any authority of Parliament to pay money out of the Consolidated Revenue Fund.

budgetary expenditures: Include operating and capital expenditures; transfer payments to other levels of government, organizations or individuals; and payments to Crown corporations.

Departmental Performance Report: Reports on an appropriated organization's actual accomplishments against the plans, priorities and expected results set out in the corresponding Reports on Plans and Priorities. These reports are tabled in Parliament in the fall.

full-time equivalent: Is a measure of the extent to which an employee represents a full person-year charge against a departmental budget. Full-time equivalents are calculated as a ratio of assigned hours of work to scheduled hours of work. Scheduled hours of work are set out in collective agreements.

Government of Canada outcomes: A set of 16 high-level objectives defined for the government as a whole, grouped in four spending areas: economic affairs, social affairs, international affairs and government affairs.

Management, Resources and Results Structure: A comprehensive framework that consists of an organization's inventory of programs, resources, results, performance indicators and governance information. Programs and results are depicted in their hierarchical relationship to each other and to the Strategic Outcome(s) to which they contribute. The Management, Resources and Results Structure is developed from the Program Alignment Architecture.

non-budgetary expenditures: Include net outlays and receipts related to loans, investments and advances, which change the composition of the financial assets of the Government of Canada.

performance: What an organization did with its resources to achieve its results, how well those results compare to what the organization intended to achieve and how well lessons learned have been identified.

performance indicator: A qualitative or quantitative means of measuring an output or outcome, with the intention of gauging the performance of an organization, program, policy or initiative respecting expected results.

performance reporting: The process of communicating evidence-based performance information. Performance reporting supports decision making, accountability and transparency.

planned spending: For Reports on Plans and Priorities (RPPs) and Departmental Performance Reports (DPRs), planned spending refers to those amounts that receive Treasury Board approval by February 1. Therefore, planned spending may include amounts incremental to planned expenditures presented in the Main Estimates.

A department is expected to be aware of the authorities that it has sought and received. The determination of planned spending is a departmental responsibility, and departments must be able to defend the expenditure and accrual numbers presented in their RPPs and DPRs.

plans: The articulation of strategic choices, which provides information on how an organization intends to achieve its priorities and associated results. Generally a plan will explain the logic behind the strategies chosen and tend to focus on actions that lead up to the expected result.

priorities: Plans or projects that an organization has chosen to focus and report on during the planning period. Priorities represent the things that are most important or what must be done first to support the achievement of the desired Strategic Outcome(s).

program: A group of related resource inputs and activities that are managed to meet specific needs and to achieve intended results and that are treated as a budgetary unit.

Program Alignment Architecture: A structured inventory of an organization's programs depicting the hierarchical relationship between programs and the Strategic Outcome(s) to which they contribute.

Report on Plans and Priorities: Provides information on the plans and expected performance of appropriated organizations over a three-year period. These reports are tabled in Parliament each spring.

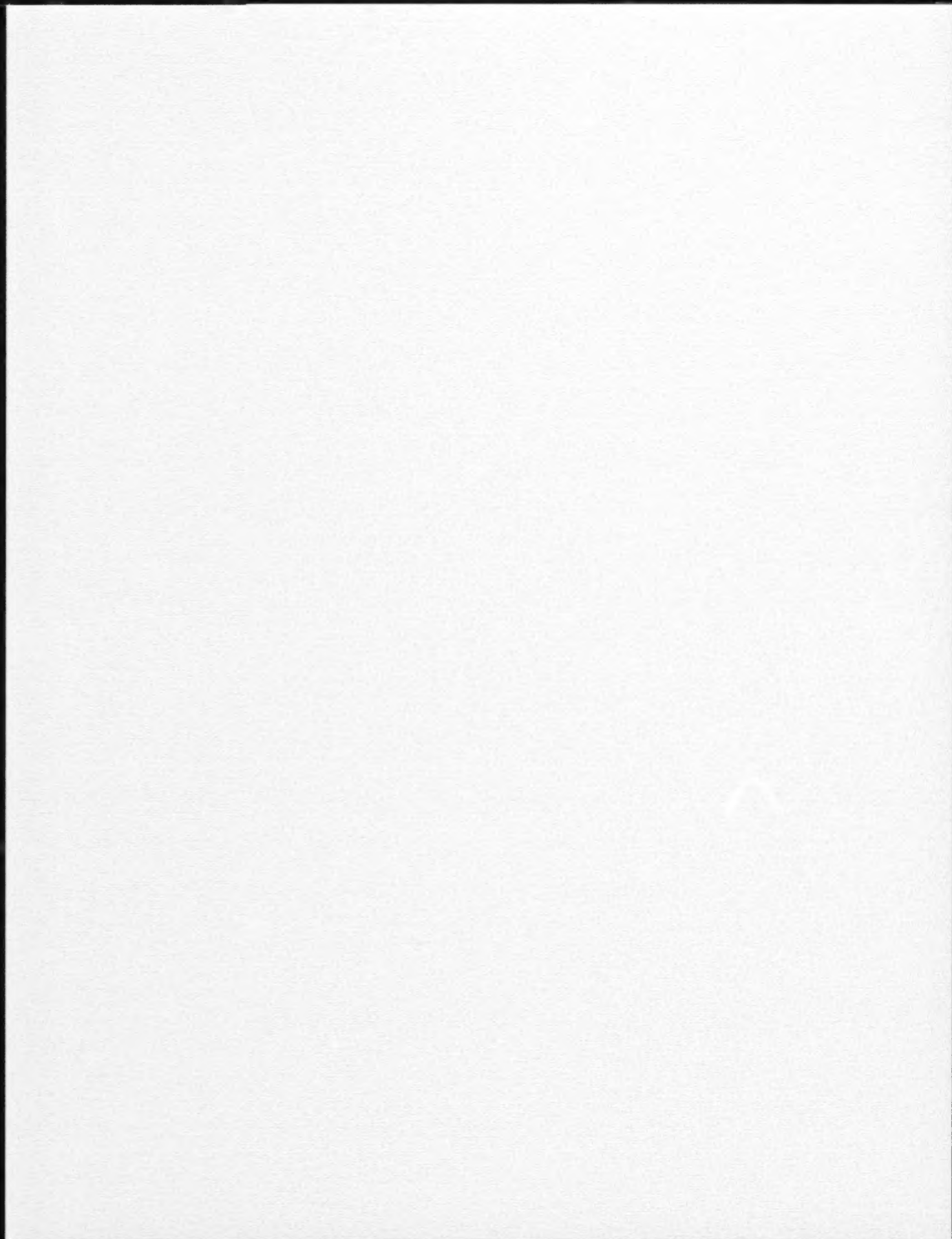
results: An external consequence attributed, in part, to an organization, policy, program or initiative. Results are not within the control of a single organization, policy, program or initiative; instead they are within the area of the organization's influence.

Strategic Outcome: A long-term and enduring benefit to Canadians that is linked to the organization's mandate, vision and core functions.

sunset program: A time-limited program that does not have an ongoing funding and policy authority. When the program is set to expire, a decision must be made whether to continue the program. In the case of a renewal, the decision specifies the scope, funding level and duration.

target: A measurable performance or success level that an organization, program or initiative plans to achieve within a specified time period. Targets can be either quantitative or qualitative.

whole-of-government framework: Maps the financial contributions of federal organizations receiving appropriations by aligning their Programs to a set of 16 government-wide, high-level outcome areas, grouped under four spending areas.



Endnotes

¹ The rights conferred by the Act, in fact, extend to government institutions, who have the right—and, sometimes the obligation—to withhold information from release to requesters. Consequently, the Commissioner will be seeking to revise this statement and the OIC's single Strategic Outcome accordingly.

² Right to Know Week, <http://www.oic-ci.gc.ca/rtk-dai-eng/>; ongoing dialogue with Canadians, Parliament and federal institutions, <http://www.oic-ci.gc.ca/eng/rrm-slr-consult.aspx>.

³ As per note 1, the Commissioner will seek to slightly revise the Strategic Outcome to reflect the fact that it is her role to safeguard all information rights under the Act, not just those of requesters.

⁴ Whole-of-Government Framework, <http://www.tbs-sct.gc.ca/ppg-cpr/frame-cadre-eng.aspx>.

⁵ *2015–16 Main Estimates*, <http://www.tbs-sct.gc.ca/ems-sgd/esp-pbc/me-bpd-eng.asp>.

⁶ See note 1.

⁷ The chart reflects planned spending as of mid-January 2015. If additional funding were not forthcoming, planned spending would have to be reduced.

⁸ Future-oriented financial statements, http://www.oic-ci.gc.ca/eng/abu-ans_cor-inf-inf-cor_fofs-evif.aspx.

⁹ Reports on Plans and Priorities, http://www.oic-ci.gc.ca/eng/abu-ans_cor-inf-inf-cor_int-aud-ver-int-rpp.aspx.

¹⁰ *Tax Expenditures and Evaluations* publication, <http://www.fin.gc.ca/purl/taxexp-eng.asp>.